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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
TESTAMENTARY & INTESTATE JURISDICTION

MISCELLANEOUS PETITION NO.26 OF 2019

Pushkar Gaitonde @ Gaitonde Pushkar Waman @ Pushkar W. Gaitonde @ Pushkar Waman Gaitonde	...Deceased
Anuradha V. Kulkarni & Anr.	...Petitioners

Ms.Teresa Nadar for the Petitioners.

CORAM : R.D. DHANUKA, J.
DATE : 6TH FEBRUARY, 2019.

P.C. :-

1. By this petition filed under under section 2 of the Bombay Regulation Act VIII of 1827, the petitioner no.1 who is the widow of the deceased Pushkar Gaitonde @ Gaitonde Pushkar Waman @ Pushkar W. Gaitonde @ Pushkar Waman Gaitonde and the petitioner no.2 who is the daughter of the said deceased seek heirship certificate. The said deceased died on 30th January, 2016. A copy of his death certificate is annexed with the petition.

2. In paragraph 3 of the petition, it is stated that the said deceased died intestate. In paragraph 4, the names of the legal heirs and next of kin of the said deceased as per the provisions of the Hindu Succession Act, 1956 are disclosed. The remaining two legal

heirs and next of kin have filed the consent affidavits both dated 11th December, 2018.

3. The petitioners have filed the consent affidavits of the legal heirs and next of kin giving their free consent for grant of heirship certificate in favour of the petitioner without service of any proclamation / citation or any notice and without justifying the security their share in the estate of the said deceased. The consent affidavits are taken on record.

4. It is stated in the petition that the mother of the deceased has expired after the death of the deceased. Learned counsel appearing for the petitioners states that save and except the names mentioned in paragraph 4 of the petition, there are no other legal heirs and next of kin left by the said deceased under the provisions of the Hindu Succession Act, 1956. The statements made in both the consent affidavits and the petition are accepted. The proclamation is dispensed with. The petitioner has made out a case for issuance of heirship certificate as prayed.

5. The miscellaneous petition is made absolute in terms of prayer clause (A). The office is directed to issue heirship certificate to the petitioner expeditiously.

6. There shall be no order as to costs.

(R.D. DHANUKA, J.)